

OVERBEY MUST GO TO PENITENTIARY

Governor Swanson Refuses Either to Pardon Him or Commute His Sentence.

TO INTERFERE WOULD NULLIFY LAW, HE SAYS

Points Out That Jury Imposed Two Years Instead of One, Thus Showing That It Believed the Prisoner Was Not Entitled to Lowest Penalty.

Governor Swanson announced yesterday that he will not interfere in the case of Edwin W. Overbey, cashier of the Bank of Mecklenburg, who is sentenced to serve three years in the State Penitentiary for embezzling the bank.

The case has attracted widespread attention throughout Virginia, and since the trial last month the Governor has received more than 400 letters and telegrams, some urging him not to interfere with the sentence of the court, and others requesting that he either pardon the cashier or commute his sentence to a term in the Boydon jail, where he is now confined.

Not Right to Pardon Him.

The Governor has carefully considered all of the advice and telegrams and has thoroughly reviewed the facts in the case. He sets forth two paramount reasons why he cannot interfere with the court's sentence.

One is that to pardon the prisoner would be to nullify the only statute in Virginia that offers protection to the depositors in State banks. In the other instance, he points out that, if he commutes the sentence, he would be substituting his will to that of the General Assembly of Virginia.

Another reason given by the Governor as to why he cannot commute the sentence, even if he felt so disposed, is that the jury heard all of the evidence in the case found the prisoner guilty and imposed two years' imprisonment, clearly showing to his mind that the prisoner was not entitled to the lowest penalty under the existing law. Still another reason cited is that the Commonwealth's attorney and the prisoner agreed that all of the facts indicated charging misappropriation of funds should be compromised by the prisoner pleading guilty, and receiving one additional year in the penitentiary.

Overbey was indicted in the Circuit Court of Mecklenburg on six counts. One was the falsification of the bank's accounts to the State Corporation Commission, and the five others for misappropriating the funds of the bank. Several attempts were made to induce a jury in Mecklenburg, and finally a venire of seventy-five men was drawn from Richmond. From this venire the jury was impaneled, and the trial was held last month. Judge William R. Barksdale presiding. Commonwealth's Attorney George T. Risen, of Pittsylvania county, was appointed by the Governor to prosecute the case, as the Commonwealth's attorney of Mecklenburg is related to Overbey.

Got Light Sentence.

The trial began on the first indictment for falsifying the returns to the State Corporation Commission, and the jury returned a verdict of guilty and fixed the punishment at two years in the penitentiary. Immediately the counsel held a conference, with the result that Overbey pleaded guilty to the other indictments, and received one additional year.

Following the trial, the members of the jury signed a petition for Overbey's pardon, but Judge Barksdale and Commonwealth's Attorney Risen stoutly protested against clemency. The judge's remarks were that the jury returned the verdict that the prisoner had been dealt with rather lightly.

As Overbey cannot appeal his case to the Supreme Court of Appeals because he pleaded guilty, he probably will be brought to the penitentiary within the next week to begin his sentence. Allowing for the usual time given for good behavior, he may not serve more than two and one-half years.

The City Council of Boydon Adopts Resolution Not to Interfere.

The City Council of Boydon adopted a resolution last night to the effect that Saturday morning Governor Swanson not to interfere with the sentence of the court.

The Governor's Statement.

Governor Swanson gives the following reasons for not interfering: "I have given the application for pardon of Edwin W. Overbey, who was convicted in the Circuit Court of Mecklenburg county on charge of felony and sentenced to the penitentiary for two years in the State Penitentiary, under one indictment, and who pleaded guilty to another indictment, and was sentenced to two years in the penitentiary, the fullest and most conscientious consideration.

"For many reasons I would have been pleased if, upon examination of the case, I could have been justified, in my conscientious discharge of my duty as Governor, in extending clemency. The prisoner was found guilty by the jury of a violation of section No. 1170 of the Code, which provides that any officer of any bank who knowingly makes a statement of the condition of his bank 'shall be deemed guilty of felony, and, upon conviction, shall be fined not less than \$100 nor more than \$5,000, and imprisoned in the penitentiary not less than one nor more than two years.'

"These loans to Cogbill, without the knowledge of the bank, were concealed from the directors by false entries on the books. Commencing in 1903, the prisoner further concealed these loans by knowingly making false reports to the directors.

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TO MAKE REPORT

Gregory, of American Legation, Coming Home From Nicaragua.

MANAGUA, NICARAGUA, March 14.—John H. Gregory, chargé d'affaires of the American legation here, will leave on the next steamer for the United States, following orders received from the State Department at Washington.

He will make a report to his government on the situation in Nicaragua, and will give special attention to the matter of the claims of George D. Emery, against the Nicaraguan government, which, after granting him concessions to cut mahogany and import supplies duty free, seized his motor plant and imposed a fine for failure to meet the requirements of the contract.

Important Advice.

WASHINGTON, D. C., March 14.—Senator Espinosa, Nicaraguan minister to the United States, today received important advice from his government, relative to the controversy between the United States and Nicaragua, which is still continuing.

Both the State and Navy Departments were without official dispatches to-day relative to the proposed exchange in Central America of the Mexican embassy. It was stated that Ambassador de la Barra had not been advised of any naval engagement between the gunboats of Nicaragua and Salvador.

The Real Object.

MEXICO CITY, March 14.—According to J. H. Graham, an American traveler who has recently returned to this city, after visiting all the Central American capitals, the trouble fomenting in that region is the result of a definite program, having for its object the enforcement of the United States in Central America.

Honduras and Salvador have already appealed to the State Department at Washington to intervene, and are co-operating with them according to their authority. Zelaya and the other Central American executives cannot refuse to accept the intervention of the United States, for it would mean for them fortune or life. If intervention will bring about the federation of the five republics, allowing the present rulers to stay in power, the Central American republics each has amassed the purpose of Zelaya and his allies will have been accomplished, according to Mr. Graham.

NARROW ESCAPE

Governor of Kentucky and Guests in Runaway Accident.

FRANKFORT, KY., March 14.—Governor and Mrs. Willson and their guests, including Mr. Robert C. Ligon of New York, narrowly escaped death today when the horses attached to Governor Willson's carriage ran away.

Two of the horses, a pair of bays, were broken and her left wrist was fractured. Governor Willson was bruised about the body and Mrs. Willson's face was cut. Governor Willson was driving the horses and Mrs. Willson was seated beside him, while Mr. Ligon and Mrs. Willson occupied the rear seat. One of the horses became frightened at a street car and kicked over the pole of the carriage, breaking the whiffletree. Governor Willson managed to guide the horses until the pole was broken off short, and then the carriage skidded from one side of the street to the other, and finally, now frenzied, dashed toward the sidewalk and the heavy vehicle turned turtle. The horses being entirely freed of the carriage, dashed toward the street. The Governor called for help, and passersby lifted the carriage and freed the occupants.

Mrs. Willson was unconscious, and it was at first thought she was dead, but she later recovered consciousness, and her physicians state that her internal injuries are not considered dangerous.

TO FLOAT TRANSPORT

Three Tugs Working on the Logans, Which Is Ashore.

HONOLULU, March 14.—Three tugs joined today in a vain attempt to refloat the United States transport ship Logan, which went ashore last night in this harbor while maneuvering. The big troop ship lies, twenty-five feet under, in the water, and the tugs are working on the south side of the narrow harbor, just opposite the ship. She is listed to starboard, but is not leaking, and is in no danger of sinking. The ship is well protected, even in time of storm.

Should the effort to float the ship be successful, the tugs will be lighter of her cargo to-morrow, and an attempt will be made to float her.

THREE SUICIDES

Epidemic Seems to Have Broken Out in Jacksonville.

JACKSONVILLE, FLA., March 14.—Mrs. Whitaker and Philip Baker ended their lives here yesterday, and Joseph Pida, a young man from Tampa, shot himself through the head and to-night is in a dying condition in a hospital.

Baker drank a quantity of laudanum, his body being found in his room early this morning. Mrs. Whitaker ended her life by drowning.

TWENTY ARE DROWNED

Norwegian and German Ships Collide and Margretha Sinks.

ROTTERDAM, March 14.—The Norwegian steamer Mascot collided today with the German ship Margretha about twenty miles west of the Maus lightship. The Margretha, 2,000 tons burden, sank almost immediately. Twenty of the crew being drowned. The six remaining members of the crew were saved. The Mascot returned here with a big hole in her bow.

KILLS WIFE AND DAUGHTER

Ranchman Then Tells Police He Expected to Be Hanged.

CHEYENNE, WYO., March 14.—Posey Ryan, a ranchman, today shot and killed his wife and daughter in a restaurant.

Mrs. Ryan came here last week and started suit for divorce from Ryan. Ryan told the police he expected to be hanged.

COOPERS EXPECT QUICK ACQUITTAL

Judge Anderson Says Jury Will Not Be Out Thirty Minutes.

JUDGE MUST DECIDE WHAT IS AN OVERT ACT

This Is One of the Principal Points in the Case and Is Causing Attorneys on Both Sides Anxiety—Instructions Are to Be Long.

NASHVILLE, TENN., March 14.—Judge W. M. Hart and two stenographers were at work all day today upon the court's instruction to the jury in the trial of Colonel D. B. and Robin Cooper and John D. Sharp for the murder of former United States Senator Carmack. Late tonight the task was still incomplete, and Judge Hart did not hope to have it finished before Monday afternoon.

Like most of Judge Hart's charges, and because of the many and perplexing issues raised, this charge will be a very long one. The State submitted its requests last night, but intimated that further suggestions would be made Monday. At noon to-day the defense's last suggestions were submitted, and Judge Hart's instructions reached Judge Hart's hands.

What Is an Overt Act?

Considerable interest and not a little anxiety is expressed by both sides as to Judge Hart's definition of an overt act. The State contends that Colonel Cooper when he turned around and sought Carmack that November afternoon, committed an overt act, which, taken in connection with the transmitted threats, would have justified Carmack in killing Colonel Cooper on sight.

Early in the case Judge Hart apparently took the same view, but Judge Anderson, of the defense, hotly combated this contention, and quoted various decisions to the contrary. It is significant that Judge Hart asked for memoranda of these decisions.

Coopers Expect Acquittal.

The other instructions upon which a verdict may hinge concern the law of self-defense, mental condition of the Cooper, mental condition of the dead Senator, the effect of threats and the credibility of witnesses.

Judge Anderson said to-night: "We will get a verdict of acquittal within thirty minutes after the jury is charged."

It is generally believed that a delay on the part of the jury in reporting will be taken as an unfavorable omen for the defense.

DIDN'T SAY IT

President Eliot Denies Remarks and Praises the Irish.

CAMBRIDGE, MASS., March 14.—In a telegram received to-day at Harvard University from President Eliot, now in Atlanta, Ga., he says that recent remarks made by him have been interpreted as showing a lack of appreciation of the civic and moral virtue of citizens sprung from Irish and other stocks.

President Eliot disclaims any such intention, and adds: "Nobody familiar with the political history of Boston could fail to have deep appreciation of many good influences which Americans of Irish descent have had in our political development. The progress of Irish voters in the tolerance of all religious and towards honest and efficient government in towns and cities has been more remarkable and much more rapid during the past twenty years than that of men of English blood who were earlier comers."

TRIAL BEGINS TO-DAY

Sheriff and Son Are Charged With Killing Druggist.

JESUP, GA., March 14.—W. B. and F. A. Lyven, sheriff and son, and at the time of the killing sheriff and deputy sheriff of Wayne county, Ga., will be brought here to-morrow from Savannah to begin their trial for the murder of Fleming Smith, a druggist.

The prosecution, it is said, will try to prove that Smith was murdered because he offered to help raise a fund to prosecute Sheriff Lyven, "because of a remark he made about a woman."

More than twenty pistol shots were fired in Smith's store here at the time of the killing, and it is said the only witness besides the father and son was hid under a counter in the store.

DIED IN CHURCH

Preacher Had Just Given Warning of Hour of Death.

YOUNGSTOWN, OHIO, March 14.—"No one of you can tell at what hour death will come," said the pastor of the Presbyterian Church at Poland, near here, this morning in opening his sermon.

Hardly had he spoken the words: "When Mrs. Maud Williams fell from her seat dead," he was hurried to have been seated by heart trouble.

The morning service was brought to a halt by the death of Mrs. Williams, sixty-five years old, and then the church was closed for the day.

REGULARS TO WIN IS PREDICTION

Will Elect Speaker and Adopt Rules When Congress Convenes.

MANY DEMOCRATS TO STAY FROM ROLL CALL

Many Members from Virginia and North Carolina Are Openly for Protection on Number of Commodities—Missouri Editor Is Making a Strong Protest.

Times-Dispatch Bureau, Washington, D. C., March 14.—The regulars, it is predicted to-night, will elect the Speaker and adopt the rules to-morrow over the combined forces of the insurgents and the Democratic organization. It is alleged that fifteen or more Democrats will not show up until the votes are counted.

Representative Laster, who returned here this afternoon, will introduce a resolution to-morrow providing that the House may proceed to the consideration and determination of any matter that a majority of the members may ask for over their signatures. It is said that this will strike at the root of the matter.

Democrats Want Tariff.

A majority of the Virginia and North Carolina Congressmen have declared themselves for tariff duties on certain products, especially lumber, peanuts and tobacco, before the Ways and Means Committee. Thousands of lumber manufacturers are urging the present rates on lumber and other forest products.

Messrs. Laster and Maynard spoke for the duty on peanuts. It is said here on good authority that the tariff on lumber will be cut from one-third to one-half by the Republicans. If this is true, and it seems so, those Democrats who advocate the present duties will be embarrassed.

Peanuts will not be the protected list. The tobacco tariff, which is not considered protection, will stand, with the possibility of a slight increase on some grades.

In talking with a leading Democrat of the House to-day was given to understand that the minority members of the Ways and Means Committee are not free-traders, but that they favor a competitive revenue tariff against a prohibitive protective tariff. A duty, he said, that would let in from 5 to 10 per cent on the majority of imports, would not injure any legitimate business, and it will serve the purpose of raising revenue.

The contest will begin in earnest Tuesday, when the report of the Ways and Means Committee will be made. The promise of a spirited if not a protracted contest.

The clans are beginning to gather for the fight. Every train brings Congressmen and lobbyists. Men in fine cloth and wielding smooth tongues are mixing with newspaper correspondents and makers in every hotel lobby.

The great battle in which the South will be particularly interested will be over the lumber section of the schedule. The Southerners, as a rule, are demanding a continuation of the tariff on lumber, but the Westerners, on the other hand, are protesting against it. The West has been fortunate in former contests in Washington.

Missouri Editor Protests.

The editor of a farm paper published in St. Louis, Mo., is making a vigorous protest against the present duties. In a letter to every newspaper in the country, he declares that he has promised a revision of the tariff, and the Ways and Means Committee of the House of Representatives is now at work on a new schedule. We fear that the press of the country is not paying enough attention to the Westerners' complaints and the various propositions for the change of the different duties.

"As a representative of the farming community we would invoke your assistance in securing the complete repeal of the tariff on lumber and other forest products."

"Rightly or wrongly, the farmers believe that what amounts to a lumber trust practically controls the price of lumber all over the country. They know that the price of lumber has increased anywhere from 75 to 200 per cent in the past ten or fifteen years, and that our forests are almost exhausted, and they cannot understand how Congress can permit any portion of the duty on lumber, whether rough or finished, to remain. The farmer figures that he pays 10 per cent on every box shook, \$2 per 1,000 feet on every rough board, and from \$2.50 to \$3.50 per 1,000 on the finished lumber—all for the purpose of creating a tariff wall, enormously increasing the value of standing lumber held by speculators and encouraging the destruction of the remaining forests."

"Every farmer owes it to himself and the country to use his influence with his Congressman and Senators to force them to resist this demand for tariff on the lumber barons."

Charge Lumber Lobby.

The big lumber manufacturers are charged with having paid secretaries in Washington for the purpose of bringing every possible form of pressure to bear on Congress to vote in favor of a high tariff on lumber. It is charged that the lumber lobby entertained 150 Congressmen at the New Willard the other night, and that organized labor and national officials have been entertained for a purpose. Gifford Pinchot, chief of the forestry service, the free lumber advocates declare, has been coaxed and bullied into taking an absurd position.

The other day Mr. Pinchot said: "If the tariff on lumber were to be removed it would be done, I take it, for one or both of two purposes—either to reduce the price to the consumer or to preserve our forests. In my judgment it would accomplish neither."

"Free lumber would not materially reduce the price to the consumer. Most of the lumber we now import comes from Canada, as most of it would if the duty were taken off. We are importing from Canada only about 2 per cent as much lumber as we are cutting from our own forests."

"It is not likely that under free lumber."

DEVELOPMENTS IN PALERMO MURDER

Quiet Activity at New York Police Headquarters, but 'Nothing Learned.

VALUABLE PAPERS ON BODY OF PETROSINO

Sicilian Police Are Bending Every Energy—Many Arrests Have Been Made—No "Special Satisfaction" Due From the Italian Government.

NEW YORK, March 14.—Though there was an air of quiet activity at police headquarters today, no definite developments regarding the work of tracing the assassins of Lieutenant Joseph Petrosino, in Palermo, Sicily, were learned. There was no word regarding the murder of the noted New York detective had come from the Italian police despite the fact that a cable had been sent them seeking certain information.

Inspector McCaffery Said:

"If an Italian detective, sent here on a mission by that government and working in behalf of the Italian police, had been murdered in New York we would have notified the slain man's home department at once. So far as the police of Italy are concerned, we have not heard a word of Petrosino's death. I cabled Saturday for information, but have received no answer from Palermo."

Had Valuable Papers.

The inspector said he was anxious to know whether Petrosino had been robbed after being shot. He intimated that Petrosino had some papers valuable to the police here in running down Black Hand and other Italian offenders.

To the question whether he thought Italian criminals here had requested confederates in Italy to kill Petrosino in that country, Inspector McCaffery replied that he doubted that theory. Petrosino was constantly in perilous position in New York, the inspector said, and if the criminals of this country had dared to kill him at this time they would have done it in this city.

Mrs. Petrosino, the young wife of the murdered detective, is prostrated at her home here as the result of her husband's tragic death. For a time, her relatives say, she refused to accept as true the news of Petrosino's death.

MANY ARRESTS

Police of Palermo Are Stirred to Unprecedented Activity.

PALERMO, SICILY, March 14.—The assassination of Lieutenant Petrosino has stirred the police to unprecedented activity. Many arrests have already been made, including a number of Italians with criminal records, lately returned from the United States.

The suspicions of the police are especially centered on two notorious criminals, one of whom is a thief of international reputation and the other an assassin to whose door are laid many crimes committed in New York. The latter was charged to the last of the United States because of the stringent watch kept on him by Petrosino.

The authorities of Palermo have arranged for the funeral, and the body will be shipped to New York, according to instructions received from this city.

ARRESTS MADE

Petrosino's Chief Assistant Picks Up Four Italians in Brooklyn.

NEW YORK, March 14.—Lieutenant Antonio Vachris, chief assistant to Detective Joseph Petrosino, who was killed by assassins in Sicily, arrested four Italians in a wine shop in one of the squallier quarters of Brooklyn to-night. Vachris, assisted by half a dozen men from the Italian criminal squad, took the men into custody only after one of their number had fought desperately to escape.

They are Amadio Pietro, Vito and Rocco and Stefano Castorino. The charge against them is that they are "undesirable residents and suspicious characters," but it was intimated here that the reason for the arrest was that the men had knowledge of the plot to kill Petrosino. Revolvers and stilettos were found on the prisoners.

Seven other arrests of Italian suspects were made during the day.

TO PROTECT ROOSEVELT

Report Says That Was Business of Petrosino in Palermo.

NAPLES, March 14.—A story is current here that the business of the late Joseph Petrosino, who was killed by assassins in Palermo, Sicily, was to protect President Roosevelt. The story was engaged in the special mission of compiling the records of Italian criminals, came to Italy for the purpose also of protecting the President. Roosevelt, the latter's approaching visit.

It is even stated that Petrosino intended to accompany the ex-President during his stay here, and perhaps after that, disguised as a monk. The authorities say that there is no truth in these reports.

NO SPECIAL SATISFACTION

Lieutenant Petrosino Was Entitled Only to Ordinary Protection.

ROME, March 14.—The question has been raised here as to whether the United States is entitled to special satisfaction from the Italian government on account of the murder of Lieutenant Petrosino. Officials of the government have pointed out that the diplomatic and consular bodies are under the special protection of the government, and that only in the event of a member of one or the other of these bodies being assassinated by an Italian in this country could the government be held in a measure responsible.

Petrosino, it is said, was in the same category as any American citizen abroad, contemplated in the treaty made in 1871 between Italy and the United States, whereby subjects of each country shall enjoy the same protection as natives.

The American ambassador has made further representations to the foreign office, setting forth the necessity, for

NEW INDUSTRIES

Discovery of Natural Gas in Louisiana Opens Up Many.

NEW ORLEANS, LA., March 14.—The discovery of natural gas in Louisiana to cities in Louisiana and neighboring States from the extensive fields in Caddo parish, La., a distance of 300 miles from this city, has opened up a new industry. An application for franchise submitted to the City Council of New Orleans, Shreveport, La., and Texarkana, Ark., both within a radius of forty miles of the field, have been deriving their gas supply from that source for the past two years.

A number of other places in Louisiana, Mississippi and Texas are included in tentative plans that would bring many large pipe lines from the Caddo territory.

The Caddo field, discovered about four years ago, and while the oil development there has progressed with constant extension, it was only in recent months that the gas possibilities were fully proved and exploited. Within the past few weeks several gas wells have been sunk with a daily average capacity of 50,000 to 60,000 cubic feet each. The proved territory extends over a section about twenty miles long and half as wide. In this field what is called gas daily from the other 100,000,000 cubic feet. The glare from the flaming wells is seen at night for a distance of thirty miles.

The extension with the purpose of increased utilization of the extensive fuel supply, the nearby location of the sulphur mines of Calcasieu parish and the need of a gas parish, will, it is estimated, probably mean the establishment of practically a new industry in this section, that of the manufacture of certain chemical products.

RIVER STILL RISING

Alabama, Several Miles Wide at Montgomery, Seen by Thousands.

MONTGOMERY, ALA., March 14.—The Alabama River is still rising to-night, but no further damage was done in the section where the river is several miles wide here and thousands of Sunday idlers viewed the murky waters from the banks. At 8 o'clock to-night the river was about 100 feet and rising at the rate of 3 to 4 inches an hour. Director Chaffee thinks the river may go to 55 feet. This would mean a serious condition in the Montgomery. The 54-foot stage will overflow the gas works and cause a suspension of newspaper and other plants.

At Selma, where the river is 200 feet and rising at the rate of 3 to 4 inches an hour, the river may go to 55 feet. This would mean a serious condition in the Montgomery. The 54-foot stage will overflow the gas works and cause a suspension of newspaper and other plants.

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CHALONER GIVES LINE OF DEFENSE

Is More Determined Than Ever to Fight His Case Through Courts.

REVISION OF LUNACY LAWS HIS CHIEF AIM

Master of "The Merry Mills" Authorizes Interview, Showing How He Will Attempt to Refute Allegation That He Is Incapable of Managing Own Affairs.

BY CARROLL F. FITZGERALD. THE MERRY MILLS, COBBHAM, ALBEMARLE COUNTY, VA.—On the anniversary of the day on which, in 1897, he was committed to an asylum, John Armstrong Chaloner, of "The Merry Mills,"